

There is wide agreement that the federal procurement process is much too cumbersome, time-consuming and wasteful. The House recently passed a bill to dramatically streamline the process and make it more competitive. In addition, many federal agencies and the House now allow employees to make some purchases like businesses would—at the local office supply store. As the procurement process becomes more efficient, government agencies will have less need for warehouse space for large inventories. Walter Reed Army Medical Center in Washington used to need seven warehouses to store its supplies—now it uses half of one. The House recently sold off thousands of unneeded office furnishings, eliminating the need for warehouse space that cost \$245,000 a year.

Outlook: Many Hoosiers feel frustrated, irritated, even angry about the hassle and the inflexible rules they often find in the federal government. They rightly are demanding change. Having watched the private sector streamline and become more productive and lower costs, Americans know that the federal government must go through the same passage of change. Quite understandably they have a strong skepticism that it can be done.

There is a lot of discussion today about what the federal government's role should be, and I think that is good. My concern is that the debate is sometimes too simplistic, with the "get rid of it all" school on one side and the "government as national nanny" school on the other. Some people argue that the way to fix the federal government is to eliminate as much of it as possible. My sense is that most of us don't want to get rid of government; we want to limit it and make it effective. We want government to make sure that our meat is safe to eat and that the skies are safe for air travel; to aid communities in recovering from the ravages of natural disasters; to insure our savings if our bank fails, for example. We want to see a government that moves us toward meeting our nation's common goals, that recognizes people are its customers and gives them their money's worth. We want a government that recognizes that most people are neither crooked nor stupid and want to do the right thing so long as the right thing makes sense to them. They want to see a government that cuts obsolete regulations, rewards results, and negotiates and seeks consensus rather than dictates.

We need to do some hard thinking about what it is we want government to do and how we want it done. Our quest must be to reduce the cost and simplify the operation of government while maintaining essential programs and functions. We need to design a government that uses common sense to solve problems. We must stop doing things that government doesn't do very well and that don't need to be done by government. Where government can make a positive difference in the lives of ordinary Americans it must be made to work more efficiently and effectively.

Those of us in government must convince people that we are serious about limiting government and making it work better. This effort must become a way of life for all of us. It is a task that is never finished. As the world has become more complex so has the federal government. Too often it has become more master than servant. That is what has to change, and that's what reinventing government is all about.

## TRIBUTE TO LINCOLN UNIVERSITY OF PENNSYLVANIA

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 1995*

Mr. WALKER. Mr. Speaker, I am honored to be able to congratulate Lincoln University of Pennsylvania, America's first college for African-Americans, which will bestow honorary doctoral degrees on the President and First Lady of the Republic of Ghana, His Excellency Flight Lieutenant Jerry John Rawlings and Nana (Mrs.) Konadu Agyeman-Rawlings.

It is fitting that President Rawlings of Ghana—the first African nation to gain independence from Europe—should receive his first honorary degree from the United States first college for African-Americans, a college that is named after the author of the Emancipation Proclamation.

In fact, Lincoln University has longstanding ties to the Republic of Ghana. The first President of Ghana, Dr. Kwame Nkrumah, graduated from Lincoln University with a bachelor of arts degree, cum laude, in 1939 and a bachelor of sacred theology degree in 1942.

Dr. Nkrumah later received an honorary doctorate from Lincoln University, as did His Excellency Alex Quaison-Sackey, Ghana's first Ambassador to the United Nations. The first American Ambassador to Ghana was also a Lincoln graduate, His Excellency Franklin H. Williams, class of 1941.

President Rawlings is a leader both in Ghana and the world community. Under his leadership, Ghana has enacted the difficult economic reforms that lead to short-term hardships but long-term prosperity. With consistent economic growth, Ghana now serves as a model for African and other nations that are moving into the developed world. In addition, President Rawlings is a passionate advocate for American involvement—at the governmental and nongovernmental levels—in African affairs.

First Lady Agyeman-Rawlings has also displayed outstanding leadership qualities. She is the founder and president of the 31st December Women's Movement, a group advocating the empowerment of Ghana's women. In addition, the First Lady is a recipient of the African-American Institute's coveted Star Crystal Award for her work with women's groups.

Mr. Speaker, let me again congratulate Lincoln University on this important occasion. I am very proud of the accomplishments of this fine institution.

## TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

SPEECH OF

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 27, 1995*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes:

Mr. GUNDERSON. Mr. Chairman, the Teamwork for Employees and Managers Act of 1995 enables increased employee involvement in nonunion workplaces. However, in order to have an honest debate, we need to have an understanding as to the nature of the problem. And there is a problem.

Given the intricacies of labor law and the fact that most of us here are not labor lawyers, let me make this as simple as possible. Today, a nonunion employer may unilaterally impose any decision regarding how employees work, when they work and the job they do. If the employer seeks to work with their employees to devise a mutually beneficial solution to those issues, the employer violates the National Labor Relations Act of 1935 [NLRB].

Joint decisions are illegal in nonunion workplaces because of the interaction of two sections of the NLRB: Sections 8(a)(2) and section 2(5). The pertinent part of section 8(a)(2) reads:

8(a) It shall be an unfair labor practice for an employer:

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it; NLRB sec. 8(a) (2); 29 U.S.C. sec. 158(a)(2).

So it appears as if a nonunion employer cannot dominate or interfere with a union. A quick look at the definitions section of the NLRB makes clear that the legal definition of "labor organization" is much broader than labor union, however. Section 2(5) reads:

Labor Organization—The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours, of employment, or *conditions of work*. (emphasis added). NLRA sec. 2(5) 29 U.S.C. sec. 152(5).

Essentially, a "labor organization" is any group of employees that "deals with" employers on conditions of work. The phrase "dealing with" is very important here. In *NLRB v. Cabot Carbon Co.*, 360 U.S. 203 (1959), the Supreme Court defined "dealing with" as broader than just collective bargaining. Instead, the term "dealing with" involves any back and forth discussion between a group of employees and the employer. In short, the definition of labor organization makes it illegal under section 8(a)(2) for nonunion employers to start up teams to address and resolve issues with their employees.

Let's look at an example. Suppose a small, nonunion manufacturing company has dramatically increasing worker's compensation rates. A reasonable assumption is that plant safety has decreased, resulting in more injuries and lost workdays. In response, the management implements a plant-wide health and safety committee by asking for volunteers from every area of the company from design to accounting to line and shipping employees.

The committee is established, meets on company time and the company furnishes the supplies—paper, pencils, current safety plan, etc. After three meetings over the course of six weeks, the committee pinpoints that many of the injuries are eye injuries and foot injuries. Working together, the committee devises a custom-made set of safety glasses and agrees that the company should purchase lighter but sturdier safety shoes.

The example is oversimplified, but the establishment and operation of this committee is a clear violation of section 8(a)(2). The group of employees participated in a group that "dealt with" management. The issue they addressed—health and safety—involved conditions of work, namely the safety equipment production and shipping employees were expected to wear. The employer dominated and interfered with the group by initially asking for volunteers and by having it meet on company time and with company supplies. In an era of global competition, it appears that the law is antagonistic to cooperation.

#### WHY THE NLRA IS SO BROAD

After the Great Depression, in 1933, Congress passed the National Industrial Recovery Act to give employees the right to bargain collectively through independent unions. However, the Recovery Act did not adequately protect that right and lacked sufficient enforcement mechanisms. In many companies, management set up company-dominated or "sham" unions where union leaders were merely tools of management. Management then blocked the formation of independent unions on the grounds that employees were already represented by the company-dominated organization.

The NLRA was drafted to level the playing field between employers and employees and to end employer domination of employees through sham unions. Legislative history from the debate over the NLRA indicates that Congress intended to prohibit the practice of company-dominated unions; however, even Senator Wagner, the sponsor of the Act, stated that "[t]he object of [prohibiting employer-dominated unions] is to remove from the industrial scene unfair pressure, not fair discussion." In other words, it appears that Congress intended to remove obstacles to independent unions for collective bargaining, yet intended to permit structures which promote employer-employee discussion and cooperation.

#### THE ELECTROMATION CASE

On December 16, 1992, the National Labor Relation Board [NLRB or Board] issued its decision in *Electromation, Inc.* The case was considered both a litmus test for how the Board would treat cooperation cases and a chance for the Board to clarify what types of cooperation were legal under Section 8(a)(2) of the NLRA. The Board ruled unanimously that the company Electromation had violated Section 8(a)(2) by establishing five "action committees" to deal with workplace issues: absenteeism; no smoking policy; communications; pay progression; and attendance bonus.

The Board found that by establishing and setting the size, responsibilities and goals of the five committees, the company dominated or interfered with a labor organization: a group of employees (the committee members), which dealt with management, on terms and conditions of employment (the subjects the committees dealt with). Far from clarifying the breadth of cooperation, the Board's decision in *Electromation* and subsequent cases have muddied the employee involvement waters.

#### EMPLOYEE INVOLVEMENT IS USED WIDELY

Today's modern workplace includes employee participation committees and teams of all sorts which are as unique as the workplaces in which they are established. From total quality management committees which include gainsharing to self-directed work

teams, over 30,000 workplaces nation-wide are using cooperation to improve employee morale and increase productivity and competitiveness in the workplace.

This has been acknowledged by many officials in the Clinton administration. Secretary of Labor Robert Reich noted: "High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instruction. The old top-down workplace doesn't work any more."

Perhaps even more enlightening is Vice President Al Gore's recent report on reinventing government. On page 26 of the report, the Vice President lauds the Maine 200 OSHA program because it requires employee involvement: "Employer/worker safety teams in the participating firms are identifying—and fixing—14 times more hazards than OSHA's inspectors ever could have found \* \* \*" What the Vice President neglects to mention is that it is illegal for worker teams to fix safety problems if it is a nonunion company.

Employee involvement is found nationwide. In my rural western Wisconsin district, I have several companies which use teaming. Jerome Foods, a major turkey farming and manufacturing company in Barron, has experienced substantial gains both in employee morale, customer service, and productivity through teaming.

For example, in its farming operation, the company has reduced back stress by redesigning the equipment it uses to transfer young turkeys from the nursery to the main barn. As a result, employees no longer have to lift a 100-pound gate.

In its manufacturing operation, the White Meat Boning Process Improvement Team revised how the meat is cut, added drip pans to reduce floor waste (improving safety) and revised inspection procedures. These rather minor changes save over \$60,000 per year and improves food quality.

In its packaging operation, 16 Jerome team members redesigned the box department to make it ergonomically sound. The team members added vacuum pumps to lift heavy loads, changed the process used in the department and reduced back stress by 85 percent.

As the examples show, teaming works for employees, it works for companies and it will help keep America competitive into the 21st Century. Some who oppose the TEAM Act fear that it would erode the protections in the NLRA and allow companies to again establish sham company unions, robbing employees of any voice in the workplace.

The TEAM Act is not an attempt to undermine unions or undermine the rights of individual workers. As written, the TEAM Act eliminates no existing language in the NLRA. The Act simply creates an exception in Section 8(a)(2) so that cooperation is not labeled domination. There is no change to the broad definition of labor organization, and we explicitly prohibit teams or committees from collectively bargaining with employers in both union and nonunion firms. The Act also reaffirms the fact that unionized employers can't establish teams to avoid the obligation to bargain with their unions. Unions have veto power over teams in the workplace.

Finally, we don't allow sham company unions. Where employers have tried to thwart an organizing attempt by establishing a work-

place committee and then bargaining with the committee, Section 8(a)(2) would render the employers actions illegal. Where an employer establishes teams to thwart organizing, the employer would still violate existing protections under Section 8 of the NLRA. Further, nothing in this bill would prevent nonunionized employees from forming a union if they so choose.

Mr. Chairman, the NLRA served us well for many years, but just as digital telecommunications has necessitated a new telecommunications policy, we must revise our 1930's labor law to apply to a 1990's workplace. As a moderate Republican, I believe that this bill provides the flexibility needed for high-performance workplaces while providing protections to ensure that our employees are treated fairly. I strongly urge my colleagues to support the TEAM Act.

### REMEMBERING ALL THOSE WHO SERVED IN WORLD WAR II

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Ms. KAPTUR. Mr. Speaker, today in this joint session of Congress commemorating the victory of freedom in the 20th century, as we remember and honor all those who served in World War II, I want to introduce to the House a veteran, a woman, a pilot who served as a Women Airforce Service Pilot, Lois M. Nelson of Ohio's Ninth District. Lois is a remarkable woman. A pilot before joining the service, she flew our B-17s, B-24's and many other planes from the factories to the front where they could do some good. She also flew planes that had been on the front back to the repair hangers and recalls "you could smell the odor of combat on them; you knew where they had been." Lois and the more than one thousand other Women Airforce Service Pilots performing an invaluable and, unfortunately often overlooked, service in America's war effort. Let us remember them today. Lois represents all veterans from our community who are being commemorated here. Her life reminds us all of the treasured values of duty, honor, and country.

Last August 26, the citizens of Lucas County held a ceremony establishing our community as a World War II Commemorative County. That commemoration was graced with Lois's poignant remarks, and I ask that those remarks be printed at this place in the RECORD on the occasion of the 50th anniversary of the Allied Victory.

As a Nation, and as a people, we are always available to celebrate war. Flesh against flesh, blood against blood, and steel against steel. We mark with pride the winning of war, but with our ego centered on victory. Equally we turn our collective back on war if there is no winner.

Turn back to the ending of the war in Korea. Remember that February day when Viet Nam released and returned prisoners, was it victory when Gerry Denton stepped off the plane and held Jane in his arms for the first time in over seven years? It was for Denton, but not for America.

We celebrate victory perhaps, because we have never learned to celebrate peace.

When I came home to Tucson after my time in the service of my country, my road was perhaps different from yours, and yours,